

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

QUINCY DESHAN BUTLER §  
VS. § CIVIL ACTION NO. 9:16-CV-210  
DIRECTOR, TDCJ-CID

MEMORANDUM OPINION AND ORDER

Petitioner, Quincy Deshan Butler, an inmate confined at the Eastham Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

This Court filed a Memorandum Opinion and Order on February 6, 2020 denying petitioner's Motion for Entry of Default Judgment and Motion for Evidentiary hearing (docket entry no. 123). Petitioner filed a Notice of Appeal as to this Memorandum Opinion and Order on February 24, 2020 (docket entry no. 127).<sup>1</sup> This Court liberally construes the Notice of Appeal as a Motion for Reconsideration.

Petitioner offers no substantive analysis as to his request for reconsideration. As outlined in this Court's prior order, petitioner was not prejudiced with the minor delay in the Response filed by the Respondent. Furthermore, petitioner has not demonstrated the existence of any factual dispute that warrant a federal evidentiary hearing. As such, petitioner's motion for reconsideration

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<sup>1</sup>The Notice of Appeal was filed with the Clerk of Court in Lufkin, Texas and there is no reference to the Fifth Circuit Court of Appeals. Regardless, the Memorandum Opinion and Order Denying the Motion for Entry of Default Judgment and Motion for Evidentiary Hearing is not a final appealable order.

should be denied. It is, therefore,

**ORDERED** that petitioner's Notice of Appeal, liberally construed as a Motion for Reconsideration (docket entry no. 127) is **DENIED**.

So **ORDERED** and **SIGNED** February 28, 2020.



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Ron Clark, Senior District Judge